

Whalen, Marilyn

From: Blumenfeld, Jared
Sent: Monday, June 16, 2014 10:50 AM
To: Mogharabi, Nahal; Scott, Jeff
Subject: Fw: Update on Communication to Senator Boxer
Attachments: signatures 6-10-14.pdf; ATT00001.htm

Jared Blumenfeld, EPA

From: Jennifer DENICOLA
Sent: Monday, June 16, 2014 8:37:12 AM
To: Henry Stern; Senator.Pavley@outreach.senate.ca.gov; kara.seward@sen.ca.gov; Laura_Schiller@boxer.senate.gov; James Peterson; Yvette Martinez; Rafi Nazarians; sean.macneil@asm.ca.gov; Richard.Bloom@asm.ca.gov; lisa.pinto@mail.house.gov; joey.apodaca@mail.house.gov; Tara Margolin; Theodate Cline
Cc: Blumenfeld, Jared; Huetteman, Tom; Tom Cota; Maria@DTSC Gillette; zev@bos.lacounty.gov; SNissman@bos.lacounty.gov; EShultz@bos.lacounty.gov; abellomo@ph.lacounty.gov
Subject: Update on Communication to Senator Boxer

Dear Honored Elected Officials:

Please see the attached letter and [change.org petition](#) signed by more than 1,200 people. We request that all of you, our elected officials require the EPA and the Santa Monica-Malibu Unified School District (SMMUSD) to take swift action to do full testing for all PCB sources at Malibu Middle and High School and remove them from our schools to ensure a healthy and safe environment for our kids.

The history at Malibu High School is as follows: In June of 2009, the SMMUSD found "Pesticides and PCBs were present...at concentrations that presented an unacceptable health risk." **PCBs are group 1 carcinogens.** Parents were not informed. In 2011, while students and teachers were present, more than 1,100 cubic yards of contaminated soil were removed from the middle of campus. Once again, parents were not informed. This absence of disclosure led us to draft a "Parent's Right to Know Law" so that public schools, which are omitted from Proposition 65, must disclose hazardous substances when found. <http://malibuunites.com/parent-right-to-know-legislation-draft/>

Parents learned about the contamination on campus only in October 2013, when three middle school teachers reporting having thyroid cancer and ten others reported being diagnosed with thyroid disease. Teachers sent a letter requesting testing of the campus. In November 2013, the district did preliminary testing of ten classrooms and found PCBs in violation of TSCA in 50% of the classrooms tested.

Ten months later, the EPA has still not directed the district to test the entire campus and remove PCBs from classrooms in violation of TSCA, as required by law. The EPA is not fulfilling its obligation to enforce TSCA and protect human health. "The goal of the (PCB) pilot program is to find an efficient way of removing PCBs from all schools," said Mary Mears, EPA spokeswoman (8-8-2010). Today EPA has misdirected PCB investigations so that actual testing will not occur and schools will never trigger TSCA, therefore districts can avoid removing PCBs that test above the 50ppm set by Federal law. If PCBs are not remediated from schools, it is both a violation of Federal Law and a significant risk to generations of children and the environment

At this time, SMMUSD Board of Education, Superintendent and CFO's actions and financial outlay appear more invested in protecting their liability than in protecting the health and safety of those on campus. Our

children and teachers have now been unnecessarily exposed to PCBs for five years. The Malibu community is worried about our children's future health.

We kindly request that each of your offices reach out to us with the assistance requested along with support for "Parent Right to Know" legislation and the creation of a state policy to test for and remove PCBs in schools, which will both protect the health of students and teachers and shield districts from future liability.

Later this week, Jared Blumenfeld, regional Administrator for Region IV EPA is coming to Malibu to specifically meet with Malibu Unites and tour MHS. This is a clear indication that this matter at MHS is both urgent and significant and will have statewide consequences. We extend our thanks to Senator Ted Lieu's office for their current support and efforts. We need all of our elected officials to work together to solve this urgent contamination issue to protect the health of all future generations of children.

Respectfully,

Jennifer deNicola

On Behalf of the Community of Malibu
Malibu Unites, President
310-848-5400
www.MalibuUnites.com

Monday, June 9, 2014

From: Jennifer deNicola, President, Malibu Unites

To: **Senator Barbara Boxer**

Re: ***Urgent Request for Your Assistance to Direct the EPA to Enforce TSCA***

Regarding the Carcinogenic Contamination at Malibu High School, Malibu Middle School and Juan Cabrillo Elementary School

Change.org Petition Tops 1200 Signatures – We Need Your Help!

Dear Honorable Senator Barbara Boxer,

This is an urgent follow-up to our letter to you dated April 29, 2014. Attached is a [petition](#) asking for your assistance as the Chairman of the Environment and Public Works to direct the EPA to test for and remove PCBs from schools.

This letter requests the following:

1. Please direct the EPA to require PCB testing of PCB sources and full disclosure to Parents and Staff
2. Please direct immediate removal of all PCB Sources that violate TSCA's 50ppm threshold at Malibu High School as required by law

3. Please direct all schools to use precautionary principals to protect student and teacher health
4. Please urge Malibu High School to remove students from any room or building that has violated TSCA until full testing and remediation has taken place
5. Please sponsor Malibu Unites' "Parents Right to Know Law." Parents have a right to know what toxicants have been discovered at their children's school. This law will expand on the premise of Prop 65, which excludes public schools/buildings.

Intro:

As you are aware, Malibu High School, Malibu Middle School and Juan Cabrillo Elementary School have been dealing with PCBs and pesticides at levels that presented "an unacceptable health risk" since at least 2009 and probably much longer. Because PCBs have been found in window caulk in excess of 50ppm, our school is now under EPA regulation for violation of TSCA. We are having issues with the EPA's method of enforcing TSCA and request your swift assistance to protect our children. As a reminder: three Malibu Middle School teachers were diagnosed with thyroid cancer within four months of each other. Ten others at the school have thyroid disease and many children have complained about health issues as well, in particular, asthma and migraines. The three teachers diagnosed with thyroid cancer currently occupy the classrooms that have tested the highest for PCBs.

History:

- a. In October 2013, the Santa Monica Malibu Unified School District (SMMUSD) staff moved students and teachers from buildings suspected of PCBs and other toxicants. This occurred when parents and teachers learned that 1,100 tons of contaminated soil had been removed from the middle of campus in the summer of 2011, during summer school session.
- b. In November 2013, a small sample of classrooms in these buildings were tested only for PCBs and violated TSCA.
- c. In December 2013, SMMUSD told teachers that they should go back to the vacated classrooms after winter break yet before full and complete testing and remediation occurred. Some teachers refused. A few went back without informing parents that their children would be back in rooms with PCBs.
- d. It is now June 2014. There has been no further testing and no remediation. There is no approved plan in place to test or remove PCBs. Recommendations from the EPA have not been implemented for Best Management Practices (BMP) cleaning (special note: The EPA has not data to prove that BMP is effective in reducing PCB exposure, yet the EPA is suggesting BMP as a remediation tool)
- e. Environ Environmental Corporation, the private environmental firm hired by SMMUSD, took three months to submit a plan to the EPA. Just last week this plan was rejected by the EPA because it did not address PCBs properly nor did it address current TSCA violations.
- f. Because of the school district's lack of direction to Environ to fully test and remove PCBs, and Environ's lack of experience in handling PCBs in schools, this process has taken six months longer than expected. Now testing and remediation will not occur this summer and before the next school year begins, exposing children and staff to PCBs for yet another school year. **This is unacceptable and we need your help!**

We request your urgent assistance at Malibu High School to:

1. Direct the EPA to enforce TSCA Law. PCBs over 50ppm have been found in the small sample of rooms tested. We ask you direct the EPA to require full and comprehensive testing of PCB sources (caulking and other building material), and not rely just on air and wipe samples (which will not solve the PCB problem), throughout MHS and Juan Cabrillo campuses in buildings constructed or renovated between 1950 and 1980.
2. Direct the SMMUSD to identify and test building materials swiftly and comprehensively this summer, prior to the beginning of the next school year (start date Aug 19, 2014) and to ensure a proper remediation plan is required and implemented in a timely manner.
3. If #2 cannot be completed before Aug 19, 2014: Relocate students and teachers from buildings that violate TSCA until full testing to determine the extent of the contamination and remediation has been completed. Temporary classrooms should be ordered for August for all middle school students and teachers to avoid further exposure in classrooms where the initial violations occurred. Informing parents now of temporary classrooms will prevent a mass exodus from enrollment in August.

[Change.org Petition to Remove Cancer Causing PCBs From Our Schools](#)

Shortly after sending you our letter dated April 29, Malibu Unites launched a [Change.org](#) petition asking for your swift assistance to direct the EPA to enforce the law as we have noted in the list above

In a few weeks we have obtained more than 1,200 signatures. The petition supporters are from Malibu, across the country and throughout the world.

Your constituents in Malibu are angry, frightened, horrified, and in disbelief that the school district and the EPA are not putting our children's health above all else, not being precautionary while fixing this problem, are moving so slowly to remedy this issue, that they have not conducted thorough testing to date, that they have spent hundreds of thousands of taxpayer dollars on lawyers to protect their liability but not their students, and that they continue to put our children, teachers and staff at risk. ***We urgently need you use your elected office to help change this.***

For your reference, enclosed is a copy of the petition signatures and a sampling of some of the comments. Please take some time to read these; some of them are heart wrenching.

Request for a meeting and site visit

The entire past school year has been wasted while the district has focused on its agenda of protecting its own liability while our children, teachers and staff have been put at unnecessary risk. The district has spent hundreds of thousands of dollars on lawyers rather than testing properly.

MHS parents and members of Malibu Unites have tried to reason with the district and the EPA, with little result. We now desperately need your help to direct the EPA and District to do what more than 1,200 people have so clearly stated: **remove PCBs from the schools and protect our children.** **We request an in-person meeting with you at your earliest convenience and, if possible, a conference call on or before June 19, 2014 because on June 20, 2014, Jared Blumenfeld, EPA Region 9 Administrator, is scheduled to meet with Malibu Unites and do a "toxic tour" of the school.**

We understand you are extremely busy and your time is precious. But our children's, teachers' and staff's health is also precious. Without your urgent help and intervention, based on events of the past ten months we are concerned that appropriate actions will not otherwise be taken in a timely manner. This is an opportunity

to have a broad, life-changing impact on how this PCB issue is handled by the EPA and the school district to protect our children in Malibu, across California, and throughout the country.

“All Children Deserve a Healthy Environment” – U.S. EPA (website)

Thank you for your assistance with this time sensitive, critical issue. We look forward to meeting with you.

Respectfully,

Jennifer deNicola

Malibu Unites, President

310-848-5400

jen@malibuunites.com

www.MalibuUnites.com

Sign Our Petition to Remove Cancer Causing PCBs from Schools <http://goo.gl/sKR30F>